

ESTTA Tracking number: **ESTTA717762**Filing date: **12/31/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Safeway Inc.		
Entity	Corporation	Citizenship	Delaware
Address	11555 Dublin Canyon Road Pleasanton, CA 94588 UNITED STATES		
Attorney information	Jordan S. Weinstein Barnes & Thornburg, LLP 1717 Pennsylvania Avenue N.W. Suite 500 Washington, DC 20006 UNITED STATES jweinstein@btlaw.com, dbondurant@btlaw.com, docketingtm-dc@btlaw.com Phone:202.289.1313		

**Applicant Information**

Application No	79167839	Publication date	12/01/2015
Opposition Filing Date	12/31/2015	Opposition Period Ends	12/31/2015
International Registration No.	1253383	International Registration Date	03/03/2015
Applicant	Single Origin Pty Ltd 28B Cranbrook Street  AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 030. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Coffee; tea; cocoa; sugar; rice; tapioca; sago; artificial coffee; flour; preparations made from cereals, namely, cereal bars, breakfast cereals; bread; pastry; confectionery made of sugar; flavored ices; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces; spices; ice; beverages consisting principally of coffee; beverages made of coffee; beverages with coffee base; coffee beans; coffee beverages; coffee concentrates; coffee drinks; coffee essences; coffee extracts; coffee flavorings; coffee mixtures, namely, mixtures of coffee and chicory; coffee oils; coffee products; coffee substitutes; coffee-based beverages; extracts of coffee for use as flavours in beverages; flavoured coffee; freeze-dried coffee; ground coffee; instant coffee; preparations for making coffee-based beverages; preparations for making coffee and tea-based beverages; unroasted coffee; beverages made of tea; beverages with tea base; iced tea; instant tea other than for medicinal purposes; tea; tea essence; tea-based beverages; chocolate

Class 043. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Services for providing food and drink; cafe services; espresso bar services; bar services; bistro services; catering services; takeaway food and drink services in the nature of take-out restaurant services; restaurant services; inn keeping in the nature of bar and restaurant services and providing temporary accommodation; restaurant services

for the provision of fast food; theatre restaurants; hospitality services, namely, providing food and drink; wine bar services; rental of rooms for social functions
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4641419	Application Date	11/29/2005
Registration Date	11/18/2014	Foreign Priority Date	NONE
Word Mark	O ORGANICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 2007/03/10 First Use In Commerce: 2007/03/10 Peanut butter, fruit preserves, milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, applesauce, canned whole tomatoes, canned diced tomatoes, tomato paste, processed beans, namely, black beans, pinto beans, kidney beans and garbanzo beans, chicken broth, vegetable broth, frozen French fried potatoes, frozen fruit, frozen vegetables, garden salads, extra virgin olive oil, baby peeled carrots, all being organic</p> <p>Class 030. First use: First Use: 2007/03/09 First Use In Commerce: 2007/03/09 Cold breakfast cereal, hot breakfast cereal, instant oatmeal, bread, cookies, graham crackers, crackers, pretzels, pretzel rods, cheese flavored snacks, namely, cheese flavored puffed corn and rice snacks, cheese curls, corn tortilla chips, microwave popcorn, balsamic vinegar, salad dressings, mustard, maple syrup; tea, beverages made of tea, coffee, flavored coffee, ice cream, macaroni and cheese, pasta, pasta sauces, namely, marinara, tomato basil, roasted garlic, and mushroom marinara; salsa, chocolate truffles, semi-sweet chocolate baking chips, tomato sauce, frozen entrees, namely, blackbean enchiladas, bean and cheese burritos, cheese enchiladas, macaroni and cheese dinner, cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese quesadillas, all being organic</p> <p>Class 031. First use: First Use: 2006/07/09 First Use In Commerce: 2006/07/09 Fresh fruit, fresh vegetables, all being organic</p> <p>Class 032. First use: First Use: 2007/03/08 First Use In Commerce: 2007/03/08 Fruit-flavored juices, namely, cocktail cranberry cocktail, apple juice, blueberry juice, orange juice, grape juice, lemonade, berry punch, all being organic</p>		

U.S. Registration No.	3298515	Application Date	03/24/2005
Registration Date	09/25/2007	Foreign Priority	NONE

		Date	
Word Mark	O ORGANICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 2007/03/10 First Use In Commerce: 2007/03/10  [ Semi-sweet chocolate baking chips, ] peanut butter, fruit preserves, flavored and unflavored soy beverages used as a milk substitute, milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, apple sauce, canned whole tomatoes, canned diced tomatoes, tomato paste, processed black beans, processed pinto beans, processed kidney beans, processed garbanzo beans, chicken broth, vegetable broth, [ frozen French fried potatoes, ] frozen fruit, frozen vegetables, garden salads, extra virgin olive oil</p> <p>Class 030. First use: First Use: 2007/03/09 First Use In Commerce: 2007/03/09  [ Chocolate truffles, ] tomato sauce, frozen entrees, namely, black bean enchiladas, bean and cheese burritos, cheese enchiladas, macaroni and cheese dinner, [cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese quesadillas, ] cold breakfast cereal, [ hot breakfast cereal, instant oatmeal, ] bread, cookies, [ graham crackers, ] crackers, [ pretzels, pretzel rods, cheese puffs, ] cheese curls, corn tortilla chips, microwave popcorn, balsamic vinegar, salad dressings, mustard, maple syrup; tea, beverages made of tea, coffee, flavored coffee, [ ice cream, ] macaroni and cheese, pasta, pasta sauces, namely, marinara, tomato basil, roasted garlic, and mushroom; salsa</p> <p>Class 031. First use: First Use: 2006/07/09 First Use In Commerce: 2006/07/09  Fresh fruit, fresh vegetables, fresh baby peeled carrots</p> <p>Class 032. First use: First Use: 2007/03/08 First Use In Commerce: 2007/03/08  Fruit-flavored juices, namely, cranberry juice cocktail, apple juice, blueberry juice, orange juice, grape juice, lemonade [ , berry punch ]</p>		

Attachments	78762988#TMSN.png( bytes ) 76634293#TMSN.png( bytes ) Single Origin Opposition 12 29 15.pdf(156011 bytes )
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	Single Origin Opp-Ex 1.pdf(709754 bytes )
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## **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jsw/
Name	Jordan S. Weinstein
Date	12/31/2015

Safeway Inc.  
11555 Dublin Canyon Road  
Pleasanton CA 94588,

Opposer,

V.

Single Origin Pty Ltd,  
28B Cranbrook Street  
Botany NSW 2019  
Australia.

Applicant.

Opposition No. \_\_\_\_\_  
 Appln. Ser. No. 79/167,839  
 Mark: O (stylized)

The Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

## **NOTICE OF OPPOSITION**

SAFEWAY INC., a corporation duly organized and existing under the laws of the State of Delaware, with a principal place of business at 11555 Dublin Canyon Road, Pleasanton, California 94588, (hereinafter “Opposer”), believing that it will be damaged by registration, hereby opposes Application Serial No. 79/167,839, filed March 3, 2015, under the Trademark Act of 1946, in the name of Capital Gaming Limited, published for opposition in the *Official*

*Gazette* of December 1, 2015, No. 48, at Page TM 220, for the mark —.

The grounds of Opposition are as follows:

1. The Opposer, Safeway Inc., is a corporation duly organized and existing under the laws of the State of Delaware, having its principal offices at 11555 Dublin Canyon Road, Pleasanton, California 94588.

2. Commencing long prior to Applicant's priority date of March 3, 2015, Opposer has engaged, and is now engaged in the advertising, promotion and sale of a wide range of organic grocery products under its O ORGANICS and O ORGANICS (stylized) marks (hereinafter sometimes referred to as "Opposer's Marks" or "Opposer's O ORGANICS Marks").

3. Opposer owns, and will rely upon pursuant to Trademark Rule 2.122(d), the following Federal trademark registrations of Opposer's Marks:

<u>Mark</u>	<u>Reg. No.</u>	<u>Issued</u>	<u>Goods/Services</u>
O ORGANICS	4,641,419	November 18, 2014	<p>Class 29. Peanut butter, fruit preserves, milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, applesauce, canned whole tomatoes, canned diced tomatoes, tomato paste, processed beans, namely, black beans, pinto beans, kidney beans and garbanzo beans, chicken broth, vegetable broth, frozen French fried potatoes, frozen fruit, frozen vegetables, garden salads, extra virgin olive oil, baby peeled carrots, all being organic.</p> <p>Class 30. Cold breakfast cereal, hot breakfast cereal, instant oatmeal, bread, cookies, graham crackers, crackers, pretzels, pretzel rods, cheese flavored snacks, namely, cheese flavored puffed corn and rice snacks, cheese curls, corn tortilla chips, microwave popcorn, balsamic vinegar, salad dressings, mustard, maple syrup; tea, beverages made of tea, coffee, flavored coffee, ice cream, macaroni and cheese, pasta, pasta sauces, namely, marinara, tomato basil,</p>

<u>Mark</u>	<u>Reg. No.</u>	<u>Issued</u>	<u>Goods/Services</u>
			<p>roasted garlic, and mushroom marinara; salsa, chocolate truffles, semi-sweet chocolate baking chips, tomato sauce, frozen entrees, namely, black bean enchiladas, bean and cheese burritos, cheese enchiladas, macaroni and cheese dinner, cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese quesadillas, all being organic.</p> <p>Class 31. Fresh fruit, fresh vegetables, all being organic.</p> <p>Class 32. Fruit-flavored juices, namely, cocktail cranberry cocktail, apple juice, blueberry juice, orange juice, grape juice, lemonade, berry punch, all being organic.</p>
	3,298,515	September 25, 2007	<p>Class 29. Semi-sweet chocolate baking chips, peanut butter, fruit preserves, flavored and unflavored soy beverages used as a milk substitute, milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, apple sauce, canned whole tomatoes, canned diced tomatoes, tomato paste, processed black beans, processed pinto beans, processed kidney beans, processed garbanzo beans, chicken broth, vegetable broth, frozen French fried potatoes, frozen fruit, frozen vegetables, garden salads, extra virgin olive oil.</p> <p>Class 30. Chocolate truffles, tomato sauce, frozen entrees, namely, black bean enchiladas, bean and cheese burritos, cheese enchiladas, macaroni and cheese dinner, cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese quesadillas, cold breakfast cereal, hot breakfast cereal, instant oatmeal, bread, cookies, graham crackers, crackers, pretzels, pretzel rods, cheese puffs, cheese curls, corn tortilla chips, microwave</p>

<u>Mark</u>	<u>Reg. No.</u>	<u>Issued</u>	<u>Goods/Services</u>
			<p>popcorn, balsamic vinegar, salad dressings, mustard, maple syrup; tea, beverages made of tea, coffee, flavored coffee, ice cream, macaroni and cheese, pasta, pasta sauces, namely, marinara, tomato basil, roasted garlic, and mushroom; salsa.</p> <p>Class 31. Fresh fruit, fresh vegetables, fresh baby peeled carrots.</p> <p>Class 32. Fruit-flavored juices, namely, cranberry juice cocktail, apple juice, blueberry juice, orange juice, grape juice, lemonade, berry punch.</p>


4. The above registrations for Opposer's O ORGANICS Marks are valid and subsisting. Registration No. 4,641,419 is *prima facie* evidence of Opposer's exclusive right to use said mark in connection with the goods specified in said registration. Registration No. 3,298,515 is conclusive evidence of Opposer's exclusive right to use said mark in connection with the goods specified in said registration. Pursuant to Trademark Rule 2.122(d) and TBMP § 317, copies of the USPTO's TSDR database records showing the status and title of the above registrations are attached as Exhibit 1.

5. Opposer will also rely on its common law rights in its O ORGANICS Marks.

6. Upon information and belief, notwithstanding Opposer's rights in and to its O ORGANICS Marks, on March 3, 2015, Applicant filed an application for registration of the alleged 0 trademark for "Coffee; tea; cocoa; sugar; rice; tapioca; sago; artificial coffee; flour; preparations made from cereals, namely, cereal bars, breakfast cereals; bread; pastry; confectionery made of sugar; flavored ices; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces; spices; ice; beverages consisting principally of coffee; beverages made of coffee;

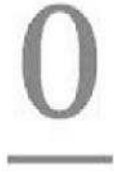


beverages with coffee base; coffee beans; coffee beverages; coffee concentrates; coffee drinks; coffee essences; coffee extracts; coffee flavorings; coffee mixtures, namely, mixtures of coffee and chicory; coffee oils; coffee products; coffee substitutes; coffee-based beverages; extracts of coffee for use as flavours in beverages; flavoured coffee; freeze-dried coffee; ground coffee; instant coffee; preparations for making coffee-based beverages; preparations for making coffee and tea-based beverages; unroasted coffee; beverages made of tea; beverages with tea base; iced tea; instant tea other than for medicinal purposes; tea; tea essence; tea-based beverages; chocolate, in International Class 30; and Services for providing food and drink; cafe services; espresso bar services; bar services; bistro services; catering services; takeaway food and drink services in the nature of take-out restaurant services; restaurant services; inn keeping in the nature of bar and restaurant services and providing temporary accommodation; restaurant services for the provision of fast food; theatre restaurants; hospitality services, namely, providing food and drink; wine bar services; rental of rooms for social functions, in International Class 43.” Said application was assigned Serial No. 79/167,839, and was published for Opposition in the *Official Gazette* of December 1, 2015, No. 48, at Page TM 220.

7. Applicant’s  Mark resembles the stylized letter O portion of Opposer’s ORGANICS Mark.

8. Opposer has disclaimed the “organics” portion of its Marks, leaving the “O” portion of Opposer’s Marks as the dominant and distinguishing feature.

9. Furthermore, the underscore beneath the O in Applicant’s mark resembles the black background for the word ORGANICS in Opposer’s Marks, making Applicant’s mark appear to be a minimalized version of Opposer’s Marks:



Applicant's Mark



Opposer's Mark

10. Upon information and belief, Applicant's goods offered under the <sup>0</sup>— mark are of a kind typically sold in grocery stores.

11. Upon information and belief, Applicant's goods are legally identical to, or highly related to, Opposer's goods sold under Opposer's O ORGANICS Marks.

12. Specifically, both Applicant's mark and Opposer's Marks identify the following goods: Coffee, breakfast cereals, mustard, vinegar, flavored coffee, tea, and beverages made of tea.

13. Upon information and belief, Applicant's goods marked with the <sup>0</sup>— mark may be offered to the same general classes of purchasers who purchase Opposer's O ORGANICS products.

14. Opposer's stores in which Opposer's O ORGANICS products are sold also offer catering services, takeaway food and drink services, and bistro services. Consumers seeing Applicant's <sup>0</sup>— mark used in connection with these services would be likely to believe that such services are provided by, sponsored or endorsed by, or associated with, Opposer and its O ORGANICS products.

15. Consumers are accustomed to seeing coffee bar trademarks used for branded coffees, and the reverse. Consumers seeing Applicant's <sup>0</sup>— mark used for a coffee bar or espresso bar, are likely to associate it with Opposer's O ORGANICS marks, used for coffees.

16. Applicant's 0 mark so resembles each of Opposer's Marks as to be likely, when used in connection with Applicant's goods and services, to cause confusion or mistake or to deceive purchasers, all in violation of Section 2(d) of the Trademark Act, 15 USC §1052(d).

17. Opposer, upon information and belief, avers that members of the relevant purchasing public are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods and services marketed under Applicant's 0 Mark, and misled into believing that such goods and services are offered by, emanate from, or are in some way directly or indirectly associated with or sponsored by Opposer, to the damage and detriment of Opposer and its reputation.

WHEREFORE, Opposer, SAFEWAY INC., believes and avers that it will be damaged by the registration of the 0 mark as aforesaid, and prays that said Application Serial No. 79/167,839 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer has appointed JORDAN S. WEINSTEIN, a member of the law firm of BARNES & THORNBURG, LLP, and a member of the Bar of the District of Columbia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

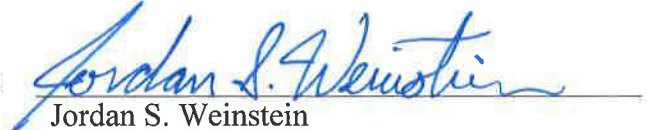
Jordan S. Weinstein, Esquire  
BARNES & THORNBURG, LLP  
1717 Pennsylvania Avenue, N.W.  
Suite 500  
Washington, D.C. 20006

We attach our deposit account payment for the required filing fee for this Opposition.  
The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 02 1010.

Respectfully submitted,

SAFEWAY INC.

By:



Jordan S. Weinstein  
BARNES & THORNBURG, LLP  
1717 Pennsylvania Avenue, N.W.  
Suite 500  
Washington, D.C. 20006  
(202) 289-1313  
fax (202) 2891330  
e-mail: docketingtm-dc@btlaw.com  
jweinstein@btlaw.com

Counsel for Opposer

Dated: December 31, 2015

JSW/dlb

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served on Applicant's attorney of record as identified by the records of the U.S. Patent and Trademark Office this 31<sup>st</sup> day of December, 2015, by sending same via First Class mail, postage prepaid, to:

Boris Umansky, Esquire  
Ladas & Parry LLP  
224 South Michigan Avenue  
Suite 1600  
Chicago, ILLINOIS UNITED STATES 60604

  
Jordan S. Weinstein

# Exhibit 1

Trademark Status and Document Retrieval (TSDR) APIs are currently experiencing technical difficulties and users may be unable to access the database. The problem is being addressed by staff at the USPTO. We sincerely apologize for any inconvenience this may have caused.

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
<b>Generated on:</b>	This page was generated by TSDR on 2015-12-30 16:17:13 EST			
<b>Mark:</b>	O ORGANICS			
	<b>O ORGANICS</b>			
<b>US Serial Number:</b>	78762988	<b>Application Filing Date:</b>	Nov. 29, 2005	
<b>US Registration Number:</b>	4641419	<b>Registration Date:</b>	Nov. 18, 2014	
<b>Register:</b>	Principal			
<b>Mark Type:</b>	Trademark			
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.			
<b>Status Date:</b>	Nov. 18, 2014			
<b>Publication Date:</b>	Feb. 15, 2011	<b>Notice of Allowance Date:</b>	Apr. 29, 2014	
<b>Mark Information</b> <span style="float: right;"> Collapse All</span>				
<b>Mark Literal Elements:</b>	O ORGANICS			
<b>Standard Character Claim:</b>	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.			
<b>Mark Drawing Type:</b>	4 - STANDARD CHARACTER MARK			
<b>Disclaimer:</b>	"ORGANICS"			
<b>Goods and Services</b>				
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services: Brackets [...] indicate deleted goods/services; Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and Asterisks *..* identify additional (new) wording in the goods/services.				
<b>For:</b>	Peanut butter, fruit preserves, milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, apples, tomatoes, canned diced tomatoes, tomato paste, processed beans, namely, black beans, pinto beans, kidney beans, chicken broth, vegetable broth, frozen French fried potatoes, frozen fruit, frozen vegetables, garden of eden baby peeled carrots, all being organic			
<b>International Class(es):</b>	029 - Primary Class	<b>U.S Class(es):</b>	046	
<b>Class Status:</b>	ACTIVE			
<b>Basis:</b>	1(a)			
<b>First Use:</b>	Mar. 10, 2007	<b>Use in Commerce:</b>	Mar. 10, 2007	
<b>For:</b>				

	Cold breakfast cereal, hot breakfast cereal, instant oatmeal, bread, cookies, graham crackers, crackers, flavored snacks, namely, cheese flavored puffed corn and rice snacks, cheese curls, corn tortilla chips, rice vinegar, salad dressings, mustard, maple syrup; tea, beverages made of tea, coffee, flavored coffee, ice cream, pasta, pasta sauces, namely, marinara, tomato basil, roasted garlic, and mushroom marinara; salsa, chocolate baking chips, tomato sauce, frozen entrees, namely, black bean enchiladas, bean and cheese macaroni and cheese dinner, cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese		
<b>International Class(es):</b>	030 - Primary Class	<b>U.S Class(es):</b>	046
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Mar. 09, 2007	<b>Use in Commerce:</b>	Mar. 09, 2007

<b>For:</b>	Fresh fruit, fresh vegetables, all being organic		
<b>International Class(es):</b>	031 - Primary Class	<b>U.S Class(es):</b>	001, 046
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Jul. 09, 2006	<b>Use in Commerce:</b>	Jul. 09, 2006

<b>For:</b>	Fruit-flavored juices, namely, cocktail cranberry cocktail, apple juice, blueberry juice, orange juice, grape juice, all being organic		
<b>International Class(es):</b>	032 - Primary Class	<b>U.S Class(es):</b>	045, 046, 048
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Mar. 08, 2007	<b>Use in Commerce:</b>	Mar. 08, 2007

#### ▾ Basis Information (Case Level)

<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes	<b>Any Basis:</b>
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Any Basis:</b>
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Any Basis:</b>
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Any Basis:</b>
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No	
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No	

#### ▾ Current Owner(s) Information

<b>Owner Name:</b>	Safeway Inc.		
<b>Owner Address:</b>	11555 Dublin Canyon Road Pleasanton, CALIFORNIA UNITED STATES 94588		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	DELAWARE

#### ▾ Attorney/Correspondence Information



Attorney of Record			
<b>Attorney Name:</b>	Jordan S. Weinstein		
<b>Attorney Primary Email Address:</b>	<a href="mailto:tmddocket@oblon.com">tmddocket@oblon.com</a>	<b>Attorney Email Authorized:</b>	Yes
Correspondent			
<b>Correspondent Name/Address:</b>	JORDAN S WEINSTEIN BARNES & THORNBURG LLP 1717 PENNSYLVANIA AVENUE NW SUITE 500 WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20006		
<b>Phone:</b>	202-289-1313	<b>Fax:</b>	202-289-1330
<b>Correspondent e-mail:</b>	<a href="mailto:jweinstein@btlaw.com">jweinstein@btlaw.com</a> <a href="mailto:docketingtm-dc@btlaw.com">docketingtm-dc@btlaw.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes
Domestic Representative - Not Found			
- Prosecution History			
Date	Description	Proceeding Number	
Dec. 29, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888	
Dec. 29, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED		
Feb. 11, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY		
Nov. 18, 2014	REGISTERED-PRINCIPAL REGISTER		
Oct. 15, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED		
Oct. 14, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED		
Oct. 09, 2014	STATEMENT OF USE PROCESSING COMPLETE	65362	
Sep. 22, 2014	USE AMENDMENT FILED	65362	
Oct. 06, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362	
Sep. 22, 2014	TEAS STATEMENT OF USE RECEIVED		
Apr. 29, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT		
Mar. 19, 2014	TTAB RELEASE CASE TO TRADEMARKS	199620	
Mar. 19, 2014	OPPOSITION TERMINATED NO. 999999	199620	
Apr. 09, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED		
Apr. 29, 2011	OPPOSITION INSTITUTED NO. 999999	199620	
Mar. 07, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED		
Feb. 15, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED		
Feb. 15, 2011	PUBLISHED FOR OPPOSITION		
Jan. 10, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221	
Jan. 10, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER		

Jan. 10, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 10, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2011	EXAMINERS AMENDMENT -WRITTEN	78450
Jan. 07, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 03, 2011	WITHDRAWN FROM PUB - OG REVIEW QUERY	60756
Dec. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 22, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 21, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 21, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 21, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 04, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2010	NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2010	NON-FINAL ACTION WRITTEN	78450
Nov. 02, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 22, 2010	WITHDRAWN FROM PUB - OG REVIEW QUERY	60756
Oct. 12, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Oct. 12, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 07, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 07, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT -WRITTEN	78450
Aug. 20, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 20, 2010	NON-FINAL ACTION E-MAILED	6325
Aug. 20, 2010	NON-FINAL ACTION WRITTEN	78450
Aug. 06, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	74221
Aug. 06, 2010	ASSIGNED TO LIE	74221
Feb. 05, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 03, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 02, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 01, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 01, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 01, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 01, 2007	LETTER OF SUSPENSION E-MAILED	6332

Feb. 01, 2007	SUSPENSION LETTER WRITTEN	78450
Jan. 11, 2007	AMENDMENT FROM APPLICANT ENTERED	71441
Jan. 11, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	71441
Jan. 08, 2007	ASSIGNED TO LIE	71441
Dec. 04, 2006	PAPER RECEIVED	
Jun. 02, 2006	NON-FINAL ACTION E-MAILED	6325
Jun. 02, 2006	NON-FINAL ACTION WRITTEN	78450
Jun. 01, 2006	ASSIGNED TO EXAMINER	78450
Dec. 05, 2005	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 14, 2014

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Trademark Status and Document Retrieval (TSDR) APIs are currently experiencing technical difficulties and users may be unable to access the database. The problem is being addressed by staff at the USPTO. We sincerely apologize for any inconvenience this may have caused.

STATUS

DOCUMENTS

MAINTENANCE

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**Generated on:** This page was generated by TSDR on 2015-12-30 16:19:30 EST

**Mark:** O ORGANICS



**US Serial Number:** 76634293

**Application Filing Date:** Mar. 24, 2005

**US Registration Number:** 3298515

**Registration Date:** Sep. 25, 2007

**Register:** Principal

**Mark Type:** Trademark

**Status:** A Section 8 declaration has been accepted.

**Status Date:** Feb. 26, 2015

**Publication Date:** Mar. 06, 2007

**Notice of Allowance Date:** May 29, 2007

## Mark Information

[Collapse All](#)

**Mark Literal Elements:** O ORGANICS

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) orange, yellow, green, blue and white is/are claimed as a feature of the mark.

**Color Location:** The color orange appears on the left side of the O. The color yellow appears in the center of the O. The color green appears on the right side of the O. The color blue appears in the O. The color black appears in the rectangle behind the term ORGANICS.

**Disclaimer:** "ORGANICS"

**Design Search Code(s):** 26.11.21 - Rectangles that are completely or partially shaded

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [...] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks \*..\* identify additional (new) wording in the goods/services.

<b>For:</b>	[ Semi-sweet chocolate baking chips, ] peanut butter, fruit preserves, flavored and unflavored soy beverage milk, soy milk, yogurt, fruit flavored low fat yogurt, cheese, butter, eggs, apple sauce, canned whole tomato paste, processed black beans, processed pinto beans, processed kidney beans, processed garbanzo vegetable broth, [ frozen French fried potatoes, ] frozen fruit, frozen vegetables, garden salads, extra virgin		
<b>International Class(es):</b>	029 - Primary Class	<b>U.S Class(es):</b>	046
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Mar. 10, 2007	<b>Use in Commerce:</b>	Mar. 10, 2007

<b>For:</b>	[ Chocolate truffles, ] tomato sauce, frozen entrees, namely, black bean enchiladas, bean and cheese burrito, macaroni and cheese dinner, [ cheese ravioli, wild mushroom and cheese ravioli, cheese lasagna, cheese cereal, [ hot breakfast cereal, instant oatmeal, ] bread, cookies, [ graham crackers, ] crackers, [ pretzels, cheese curls, corn tortilla chips, microwave popcorn, balsamic vinegar, salad dressings, mustard, maple tea, coffee, flavored coffee, [ ice cream, ] macaroni and cheese, pasta, pasta sauces, namely, marinara, mushroom; salsa		
<b>International Class(es):</b>	030 - Primary Class	<b>U.S Class(es):</b>	046
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Mar. 09, 2007	<b>Use in Commerce:</b>	Mar. 09, 2007

<b>For:</b>	Fresh fruit, fresh vegetables, fresh baby peeled carrots		
<b>International Class(es):</b>	031 - Primary Class	<b>U.S Class(es):</b>	001, 046
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Jul. 09, 2006	<b>Use in Commerce:</b>	Jul. 09, 2006

<b>For:</b>	Fruit-flavored juices, namely, cranberry juice cocktail, apple juice, blueberry juice, orange juice, grape juice		
<b>International Class(es):</b>	032 - Primary Class	<b>U.S Class(es):</b>	045, 046, 048
<b>Class Status:</b>	ACTIVE		
<b>Basis:</b>	1(a)		
<b>First Use:</b>	Mar. 08, 2007	<b>Use in Commerce:</b>	Mar. 08, 2007

#### ▼ Basis Information (Case Level)

<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes	<b>Amended:</b>
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No	<b>Amended:</b>
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended:</b>
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended:</b>
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No	
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No	

### Current Owner(s) Information

<b>Owner Name:</b>	SAFEWAY INC.		
<b>Owner Address:</b>	11555 Dublin Canyon Road Pleasanton, CALIFORNIA UNITED STATES 94588		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

<b>Attorney Name:</b>	Jordan S. Weinstein	<b>Docket Number:</b>	60528-553414
<b>Attorney Primary Email Address:</b>	<a href="mailto:docketingtm-dc@btlaw.com">docketingtm-dc@btlaw.com</a>	<b>Attorney Email Authorized:</b>	Yes

#### Correspondent

<b>Correspondent Name/Address:</b>	Jordan S. Weinstein Barnes & Thornburg, LLP 1717 Pennsylvania Avenue, NW SUITE 500 WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20006		
<b>Phone:</b>	202-289-1313	<b>Fax:</b>	202-289-1330
<b>Correspondent e-mail:</b>	<a href="mailto:docketingtm-dc@btlaw.com">docketingtm-dc@btlaw.com</a> <a href="mailto:jweinstein@btlaw.com">jweinstein@btlaw.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Dec. 29, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 29, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 26, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Feb. 26, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED	75184
Feb. 21, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Feb. 11, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 25, 2014	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Mar. 25, 2014	REGISTERED - SEC. 15 ACKNOWLEDGED	75184
Mar. 19, 2014	REGISTERED - SEC. 15 AFFIDAVIT FILED	75184
Mar. 19, 2014	TEAS SECTION 15 RECEIVED	
Mar. 19, 2014	TTAB RELEASE CASE TO TRADEMARKS	53183
Mar. 19, 2014	CANCELLATION TERMINATED NO. 999999	53183
Sep. 29, 2013	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	75184
Aug. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184

Aug. 07, 2013	TEAS SECTION 8 & 15 RECEIVED	
Oct. 26, 2010	CANCELLATION INSTITUTED NO. 999999	53183
Sep. 25, 2007	REGISTERED-PRINCIPAL REGISTER	
Aug. 17, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	78289
Aug. 15, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 09, 2007	STATEMENT OF USE PROCESSING COMPLETE	76537
Jun. 14, 2007	USE AMENDMENT FILED	76537
Jun. 14, 2007	PAPER RECEIVED	
May 29, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 06, 2007	PUBLISHED FOR OPPOSITION	
Feb. 14, 2007	NOTICE OF PUBLICATION	
Jan. 19, 2007	EXAMINERS AMENDMENT MAILED	
Jan. 19, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Jan. 18, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 18, 2007	EXAMINERS AMENDMENT -WRITTEN	74309
Jan. 12, 2007	AMENDMENT FROM APPLICANT ENTERED	78289
Dec. 07, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Jan. 12, 2007	ASSIGNED TO LIE	78289
Dec. 07, 2006	PAPER RECEIVED	
Jun. 09, 2006	FINAL REFUSAL MAILED	
Jun. 08, 2006	FINAL REFUSAL WRITTEN	74309
May 17, 2006	AMENDMENT FROM APPLICANT ENTERED	78289
Apr. 24, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	78289
Apr. 24, 2006	PAPER RECEIVED	
Oct. 24, 2005	NON-FINAL ACTION MAILED	
Oct. 23, 2005	NON-FINAL ACTION WRITTEN	74309
Oct. 19, 2005	ASSIGNED TO EXAMINER	74309
Apr. 04, 2005	NEW APPLICATION ENTERED IN TRAM	

### ▾ Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

### ▾ TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** TMO LAW OFFICE 110

**Date in Location:** Feb. 26, 2015

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